

03/31/98
Jc494 U.S. PTO

FORM 4-1

Attorney's Docket No. EMC-97-137
PATENT

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date, March 31, 1998, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EF184016813US addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231.

Jill Fournier

Name

Jill Fournier

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): John E. Stockenberg and William J. Elliott, IV

For (title): METHOD AND SYSTEM FOR ASSISTING IN BACKUPS AND RESTORE
OPERATIONS OVER DIFFERENT CHANNELS

1. Type of Application

This new application is for a(n) (CHECK ONE APPLICABLE ITEM BELOW):

☒ Original

☐ Design

☐ Plant

NOTE: IF ONE OF THE FOLLOWING 3 ITEMS APPLY, THEN COMPLETE AND ATTACH ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED AND A NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

☐ Divisional.

☐ Continuation.

☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 120)

NOTE: IF THE NEW APPLICATION BEING TRANSMITTED IS A DIVISIONAL, CONTINUATION OR A CONTINUATION-IN-PART OF A PARENT CASE, OR WHERE THE PARENT CASE IS AN INTERNATIONAL APPLICATION WHICH DESIGNATED THE U.S., THEN CHECK THE FOLLOWING ITEM AND COMPLETE AND ATTACH ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

25 _____ Pages of specification

5 _____ Pages of claims

1 _____ Pages of Abstract

8 _____ Sheets of drawing

☐ formal

☒ informal

(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)". 37 C.F.R. 1.84(b).

4. Additional papers enclosed

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 CFR 1.98)

☐ Form PTO-1449

☐ Citations

☐ Declaration of Biological Deposit

☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☐ Other

5. Declaration or oath

☒ Enclosed

executed by (CHECK ALL APPLICABLE BOXES)

☒ inventor(s).

☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. SEE ITEM 13 BELOW FOR FEE.

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of ALL THE ABOVE NAMED INVENTOR(S).

☐ Showing that the filing is authorized. (NOT REQUIRED UNLESS CALLED INTO QUESTION. 37 CFR 1.41(D).

6. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same

or

☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

☒ An assignment of the invention to EMC Corporation

☒ is attached. A separate ☒ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☐ will follow.

9. Certified Copy

Certified copy(ies) of application(s)

(APPLN. NO.) (FILED) (COUNTRY)

from which priority is claimed

☐ is (are) attached.

☐ will follow.

10. Fee Calculation (37 CFR 1.16)

A. ☐ Regular application

CLAIMS AS FILED

Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a)	\$770.00
<u>16</u>	Total Claims (37 CFR 1.16(c))	-20 =	X	\$ 22.00
<u>3</u>	Independent Claims (37 CFR 1.16(b))	-3 =	X	\$ 76.00
_____	Multiple dependent claim(s), if any (37 CFR 1.16(d))		+	\$240.00

☐ Amendment cancelling extra claims enclosed.

☐ Amendment deleting multiple-dependencies enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 790.00

B. ☐ Design application (\$300.00-37 CFR 1.16(f))

Filing Fee Calculation \$ _____

C. ☐ Plant application (\$480.00-37 CFR 1.16(g))

Filing fee calculation _____

11. Small Entity Statement(s)

☐ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A, B or C above) \$ _____

12. Request for International-Type Search (37 CFR 1.104(d)) (COMPLETE, IF APPLICABLE)

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made At This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

☒ Enclosed

☒ basic filing fee \$ 790.00

☒ recording assignment (\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEWAPPLICATION".)

☐ petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ _____

☐ for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ _____

☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))

☐ fee for international-type search report (\$40.00; 37 CFR 1.21(e)). \$ _____

Total fees enclosed \$ 830.00

14. Method of Payment of Fees

☐ Check in the amount of \$ _____

☒ Charge Account No. 05-0889 in the amount of \$ 830.00. A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 05-0889:

☒ 37 CFR 1.16(a), (f) or (g) (filing fees)

☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

16. Instructions As To Overpayment

☒ Credit Account No. 05-0889.

☐ Refund

Date

3/31/98

Leanne J. Fitzgerald, Esq.

Reg. No. 40,606

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EMC Corporation

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☒ This transmittal ends with this page.